

*The following Advisory Opinion is to advise the reader of the current position of the Kentucky Department of Insurance ("the Department") on the specified issue. The Advisory Opinion is not legally binding on either the Department or the reader.*

**Kentucky Department of Insurance**

**Advisory Opinion 2000-02**

**In re: HB 757 – 45- Day Cancellation Notice**

**RELEVANT FACTS, ISSUES, AND STATUTES:** A question has emerged regarding the interpretation of HB 757, Section 10(1), which states in pertinent part:

Any insurer delivering or issuing a health benefit plan subject to this subtitle or a health insurance policy or contract covering specified disease shall give the policyholder or contract holder at least forty-five (45) days advance written notice of cancellation. The notice shall be mailed by registered mail to the policyholder's or contract holder's last address as shown by the records of the insurer.

The question is whether an insurer can comply with the requirements of HB 757, Section 10(1) by mailing a notice by "certified mail with restricted delivery" rather than "registered mail."

**DEPARTMENT OF INSURANCE'S POSITION:** KRS 446.080 requires the Department to give "[a]ll words and phrases . . . the common and approved usage of language." It is the Department's position that that the term "registered mail" as used in HB 757, Section 10(1) has a clear meaning and, therefore, the Department may neither give the term a different interpretation than its regular meaning nor change the meaning of the term through regulation. Therefore, all cancellation notices sent in accordance with this section must be mailed by registered mail rather than certified mail.

Any questions regarding this matter may be directed to Elizabeth A. Johnson, Counsel for the Department of Insurance at 502-564-6032.

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George Nichols III

Commissioner

Kentucky Department of Insurance

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Date